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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Reidar WASENIUS
Serial No.: 09/828,149
Filed: April 9, 2001
For: WIRELESS GROUP COMMUNICATION SYSTEM
Art Unit: 2684
Examiner: Raymond S. Dean

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 20, 2004

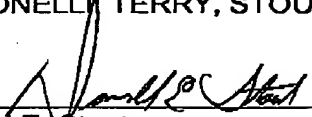
Sir:

Enclosed for the Examiner's consideration in the European counterpart application is the Office Action of June 21, 2003, Applicant's June 1, 2004 Response and the European Patent Office's September, 16, 2004 subsequent Office Action which reflects the prior art cited in the Information Disclosure Statement cited by the Applicant on May 12, 2003..

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (0171.39605X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI TERRY, STOUT & KRAUS, LLP



Donald E. Stout
Registration No. 26,422
(703) 312-6600

Enclosures
DES:dlh



EPA/EPO/DEB
D-80298 München
+49 89 2399-0
TX 523 656 epmu d
FAX +49 89 2399-4485

Europäisches
Patentamt

European
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Office européen
des brevets

Generaldirektion 2

Directorate General 2

Direction Générale 2

Read, Matthew Charles
Venner Shipley & Co.
20 Little Britain
London EC1A 7DH
ROYAUME-UNI

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Telephone numbers:

Primary Examiner
(substantive examination) +49 89 2399-7830

Formalities Officer / Assistant
(Formalities and other matters) +49 89 2399-2996



Application No. 02 251 562.1 - 2412	Ref. 03 40545	Date 21.11.2003
Applicant Nokia Corporation		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



WOLF W C P
Primary Examiner
for the Examining Division

Enclosure(s): 5 page/s reasons (Form 2906)



Bescheld/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

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Annale-Nr.:
Application No.: 02 251 562.1
Demande n°:

The examination is being carried out on the following application documents:

Text for the Contracting States:

AT BE CH CY DE DK ES FI FR GB GR IE IT LU MC NL PT SE TR LI

Description, pages:

1-10 as originally filed

Claims, No.:

1-18 as originally filed

Drawings, sheets:

1/1 as originally filed

I

The following documents (D) are mentioned for the first time in this communication; the numbering will be adhered to in the rest of the procedure:

D1: EP-A-1 022 876 (IBM) 26 July 2000 (2000-07-26)

D2: EP-A-1 229 442 (SUN MICROSYSTEMS INC) 7 August 2002 (2002-08-07)

D3: US-A-6 069 896 (HARRIS JEFFREY MARTIN ET AL) 30 May 2000 (2000-05-30)

II

1. Claims 1, 9 and 12 have been drafted as separate independent claims.

Under Article 84 in combination with Rule 29(2) EPC an application may contain more than one independent claim in a particular category only if the subject matter claimed falls within one or more of the exceptional situations set out in paragraphs (a), (b) or (c) of Rule 29(2) EPC. This is not the case in the present application because claim 1 is a variant of claim 12 and there is no reason to formulate it as



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an independent claim.

The applicant is requested to file an amended set of claims which complies with Rule 29(2). Failure to do so, or to submit convincing arguments as to why the current set of claims does in fact comply with these provisions, will lead to refusal of the application under Article 97(1) EPC.

2. The present vague and broad formulation of independent **claim 1** is such that its subject-matter **can be read onto the prior art** disclosure of document D1.

Indeed, D1 discloses, according to all the features of claim 1, a *wireless communication system* (D1: Title) comprising :

- (i) *a plurality of wireless terminal, each of said terminal including basic functions which are similar plus additional functions which are individual to each terminal* (D1: paragraph 58 and Figure 2D)
- (ii) *said terminals being in wireless communication with each other* (D1: Title)
- (iii) *at least some of said wireless terminal forming a group there between* (D1: paragraphs 21 or 35)
- (iv) *said terminals in said group sharing said additional functions so that the total available functions of the group are greater than the functions of an individual terminal* (D1: paragraph 58)

The essence of the invention is therefore already known from D1. As this document identically discloses all the features of independent claim 1, the subject-matter of this claim lacks novelty, Article 52(1) and 54 EPC; claim 1 is thus not allowable.

The same objection could have been formulated starting from D2 which also concerns the building of groups of wireless terminal that share applications.

3. Independent **claims 9 and 12** are a simple repetition of the subject-matter of



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claim 1 and hence do not meet the requirements of the EPC for the same reason. Their subject-matter therefore lacks novelty, Article 52(1) and 54 EPC; independent claims 9 and 12 are thus not allowable.

4. Dependent claims do not seem to contain any subject-matter which, in combination with the subject of the claim on which they are dependent, would lead to a claim involving inventive activity (Article 52(1) and 56 of the EPC).

Their subject-matter is indeed either directly derivable from the above cited documents or concerns simple embodiments without inventive merit in themselves. In particular:

- (i) claims 2, 11 and 13: application to wireless and Bluetooth (D1: paragraph 37)
- (ii) claims 3, 10 and 14: additional function are in the form of software application (D1: example of software services on a computer paragraph 68)
- (iii) claims 4 and 15: number of terminal between 2 and 7 (D1 mentions Bluetooth in paragraph 37 and the number of nodes in a Bluetooth group is between 2 and 7)
- (iv) claim 5: group established based on vicinity (D3 Abstract)
- (v) claims 6 and 16: removal of a terminal from the group (D1, paragraph 21)
- (vi) claims 7-8 and 17-18 are obvious from D1, paragraph 58 and figures 2A-F

Dependents claims are thus not allowable.

5. There is a problem in claim 1 regarding its **category**. Indeed, according to the EPC only two basic kinds of claims exist, viz, claims to a physical entity (apparatus) and claims to an activity (process) (cf. Rule 30 and Guidelines C-III, 3.1).

As a consequence, claim for an apparatus should contain only structural features



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(e.g. "means for...") as opposed to process features.

In relation to the above, the following formulation is not considered as defining a structural feature but as defining an activity:

(i) "said terminals **sharing ...**"

The Applicant is thus asked to amend the cited claim/s in such a way that it is clearly an apparatus claim. Dependent claim 5 should be amended in consequence ("scans").

6. As for claim 1, there is a problem of category in **independent claim 12** (cf. Rule 30 and Guidelines C-III, 3.1).

In relation to the above, the following formulation is not considered as defining a structural feature but as defining an activity:

(i) "one of said terminal **controls ...**"

(ii) "said terminal **interacting ...**"

III

It is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the Applicant nevertheless regards some particular matter as patentable an independent claim including such particular matter should be filed, taking account of Rule 29(1) EPC. **The Applicant should also indicate in the letter of reply the difference vis-à-vis the state of the art and the inventive significance thereof.**

When amending, care should also be taken to avoid giving rise to objection under Article 123(2) EPC by inadvertent addition of subject matter beyond the content of the application as filed.

If the Applicant intends to proceed further with the present application the following points should also be taken into consideration:



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1. Documents D1-D2 should be cited and briefly discussed in the opening part of the description (Rule 27(1)(b) EPC).
2. **The independent claims should be in the two-part "characterised" form** required by Rule 29(1) EPC, having a pre-characterising part that correctly reflects the prior art.

Therefore, the preamble of the independent claims should be modified taking into account the features known from the closest prior art document, presumably D1.

3. **Reference signs** from the figures should be inserted, in parentheses, in all the claims. In the light of the complexity of features, such reference signs appear to be essential to the clarity of the claims (Rule 29(7) EPC). This applies to both the preamble and characterizing portion.
4. The opening part of the description should be adapted to the new claims (Rule 27(1)(c) EPC).

Furthermore, the statement indicating **the technical problem to be solved by the invention** would then, in the light of the disclosure of document D1 to D2 require revision which should be effected taking the requirements of Rule 27(1)(c) EPC into account (cf. also EPC Guideline C-II, 4.5).

5. The application number for the application cited on page 2 should be replaced by the corresponding publication number.